INSTITUTE OF LAW RESEARCH AND REFORM
EDMONTON, ALBERTA

# ANNUAL REPORT 1981-82

August 1982

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The Institute of Law Research and Reform was established by the Law Society of Alberta, the Government of Alberta, and the University of Alberta for the purposes of law research and reform.

The members of the Board of Directors during the reporting year were:

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The Institute's Counsel were:

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A. Dunham (from 1 September 1981)
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The Institute's offices are located at 402 Law Centre, University of Alberta, Edmonton, Alberta T6G 2H5. Its telephone number is 432-5291.

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# INSTITUTE OF LAW RESEARCH AND REFORM

## EDMONTON, ALBERTA

## ANNUAL REPORT

## 1 July 1981 - 30 June 1982

## INTRODUCTION

In September 1973 the Institute published a Five-Year Report covering the period from 1 January 1968, when the Institute came into existence, to 30 June 1973. We have since issued Annual Reports to 30 June in each year. This Report covers the twelve-month period from 1 July 1981 to 30 June 1982.

We shall not here review in detail the history of the Institute, its structure and methods of operation. This is recorded more fully in Appendix A to this Report. We remind the reader that the Institute was created in the fall of 1967 by an Agreement between the Government of Alberta, the University of Alberta and the Law Society of Alberta. Its objects are:

(a) to conduct and direct research into law and the administration of justice;

(b) to consider matters of law reform with a view to proposing to appropriate authority the means by which the law may be made more useful and effective;

(c) to promote law research and reform; and

(d) to these ends, to work in co-operation with the Faculty

of Law of the University of Alberta, the Faculty of Law of the University of Calgary, and with others.

The funding of the Institute is provided by the Government of Alberta, the Alberta Law Foundation, and the University of Alberta. The University contributes a fixed annual amount. Of the remainder of the Institute's approved budget, the Foundation pays 60% and the Attorney-General 40%.

The Alberta Law Foundation is a corporate body created by the Legal Profession Act. It is set up to receive interest paid on lawyers' trust accounts where it is not practicable to attribute the interest to the money of specific clients. The Foundation is empowered to distribute the money for the objects set out in the Legal Profession Act, one of which is law research and reform. The Institute gratefully acknowledges the very substantial assistance which it receives from the Foundation.

## COMPARISON TO LAW REFORM COMMISSIONS

The Institute's major role is similar to that of the Law Reform Commissions that most of the Canadian provinces and the Government of Canada have established in recent years. The Institute, however, is created by agreement and the Commissions by statute. One consequence of that difference is that we select our own reform projects. In doing so, we are attentive to the wishes of the Government of Alberta. Over the years a number of reform projects have been undertaken in response to suggestions of the Attorney General and other cabinet ministers, and one project emanated from a resolution of the Legislature.

We differ, too, from the Commissions in that their sole function is to make recommendations to their governments for legislative reform, whereas the Institute has the additional object of encouraging and carrying out legal research apart from that leading to law reform.

## PERSONNEL

The Board of Directors of the Institute is similar to, although larger than, most of the Commissions that other jurisdictions have created by statute. The Agreement entered into 31 March 1982 to continue the Institute for a further five years allows for an expansion of membership on the Board from eleven to thirteen persons. Meetings ordinarily are held for a full day twice a month. The members of the Board who sit from day to day are lawyers. One member is designated by the President of the University of Alberta. This is Professor L.C. Leitch, Vice-President (Finance and Administration). His role is to provide liaison with the University. He does not attend most meetings of the Board and he is not responsible for the contents of our reports. Four of the members of the Board form an Executive Committee.

Three of the Board's members, the Director and the two Associate Directors, serve full time. The Director and one Associate Director hold academic appointments as Professors of Law. The Director and the designate of the President of the University of Alberta are constituent members. There are five more constituent members: a representative of the Alberta Law Society, at the present time an Edmonton practitioner; a representative of the Faculty of Law of the University of

Alberta; a representative of the Faculty of Law of the University of Calgary; and two persons appointed by the Attorney General. The Agreement provides for the appointment by six of the constituent members (the representative of the Faculty of Law of the University of Calgary is not included) of from four to six other persons. At the present time the members appointed at large consist of the two Associate Directors, the Institute's Director Emeritus, a Calgary practitioner and an Edmonton practitioner. The names, standing, and duration of office of Board members, past and present, are listed in Appendix B.

The composition of our legal staff during the year ranged from eight to nine counsel of whom the Director is one. The designation "counsel" is intended to convey a proper estimation of the full range of functions and responsibilities which every member of our legal staff performs: analyzing existing legal concepts; formulating new legal concepts; identifying and debating policy issues; writing consultative documents and reports; engaging in the consultative process with members of the public, lawyers, interest groups and government officials at all levels; and drafting legislation.

## GOVERNMENT ACTION ON REPORTS

### Report No. 28--Tenancies of Mobile Home Sites

The Institute issued its Report No. 28--Tenancies of Mobile Home Sites in April 1978. Fact-finding research conducted by us had revealed features of the relationship existing between landlords and tenants of mobile home sites which were not shared by the parties to conventional residential tenancies. We

therefore had reserved this topic for separate attention following publication of our Report No. 22--Residential Tenancies in February 1977. (That Report laid out much of the foundation for the provisions subsequently enacted in the Landlord and Tenant Act, S.A. 1979, c. 17.)

In Report No. 22 we recommended substantial changes in the law relating to tenancies of residential premises. For example, we recommended that comprehensive reciprocal obligations be imposed on landlords and tenants, with corresponding reciprocal remedies, and that security deposits, abandoned goods and terminations of tenancies be regulated in specific ways. In Report No. 28 we drew in large part on the arguments and proposals made in the earlier report where they were appropriate also to tenancies of mobile home sites.

We went on, however, to make special recommendations to deal with the unique problems of tenancies of mobile home sites. Perhaps the most serious problem facing tenants of mobile home sites was their lack of security. Our research had disclosed that most tenancies in mobile home parks were monthly and a tenant therefore could have been required to move his mobile home on only one month's notice from the landlord. We felt that one month was too short a period to allow the mobile home owner to find a vacancy in another mobile home park and accordingly we recommended that the landlord of a mobile home park should be required to give six months' notice of termination to a tenant. In addition, a landlord should not be able to terminate a tenancy within the tenant's first twelve months in the mobile home park, except for cause.

We also recommended that a tenant of a mobile home site should be entitled by law to rent his mobile home to a third party, while continuing to rent the mobile home site himself, or be entitled to sell the mobile home on site, thus assigning the tenancy of the site. If the landlord's consent were required, it must not be withheld unreasonably.

In addition, we felt that the bargaining position of a tenant often would be inferior to that of a landlord because of the latter's greater economic power and greater access to legal advice. We therefore recommended that a tenant should be given as much information about the tenancy relationship as possible, that when a written tenancy agreement was entered into the tenant should receive a copy, and that he also should be informed in writing, before entering into the tenancy agreement, of all the rules and regulations and all fees, charges and assessments.

Report No. 28 covered many other topics. We looked at entrance and exit fees but were not persuaded that these posed a problem in Alberta. We suggested that both landlords and tenants should have duties in respect of the cleanliness and soundness of the mobile home site. The tenant should be obliged, by law, to maintain the mobile home site in a clean and tidy condition and should observe the reasonable rules of the landlord in connection with the general appearance of the exterior of the mobile home. The landlord should provide a mobile home site which is clean at the commencement of the tenancy and physically sound throughout the tenancy. The landlord's duties would extend to maintenance of common roads and other common areas. We also addressed the matters of resolution of disputes, failure to give possession and security deposits.

Although the focus of our recommendations was on mobile home sites in mobile home parks, we saw no reason why the protection of the proposed legislation should not extend to tenants outside such parks. We recognized, however, that non-commercial landlords were unlikely to have the economic strength of landlords of mobile home parks, and were likely to have greater personal contact with their tenants. Tenancies arising outside mobile home parks therefore were excluded from recommendations involving undue expense for the landlord, and from recommendations which would tend to prolong the tenancy relationship against the wishes of the landlord.

The Mobile Home Sites Tenancies Act, which is based substantially on the recommendations contained in the Institute's Report No. 28, was introduced before the Alberta Legislature this spring. The Act, which is cited as S.A. 1982, c. M-18.5, received Royal Assent on 4 May 1982 and has been proclaimed to come into effect 1 January 1983.

Other Reports

A record of legislation consequent upon other reports issued by us is set out in Appendix C to this report.

## REPORTS ISSUED IN 1981-1982

### Report No. 37A--The Uniform Evidence Act 1981: A Basis for Uniform Evidence Legislation

### Report No. 37B--Evidence and Related Subjects: Specific Proposals for Alberta Legislation

In June 1982 the Institute issued two reports numbered 37A and 37B. The former was entitled The Uniform Evidence Act 1981:

A Basis for Uniform Legislation, the latter Evidence and Related Subjects: Specific Proposals for Alberta Legislation. They concerned the adoption in Alberta of new legislation on evidence.

History of Institute project on Evidence

In December 1975 the Law Reform Commission of Canada released a Report on Evidence in which it recommended the adoption of an Evidence Code. In 1976 the Ontario Law Reform Commission released its Report on the Law of Evidence in which it recommended legislative redress only of those areas of the law of evidence which were perceived to present problems. The Institute was concerned about the implications for Alberta if reform of the law of evidence were to be undertaken in other Canadian jurisdictions, particularly if that reform were to take divergent routes. We therefore commissioned research to look into the matter.

In August 1977 a similar concern about the consequences for judicial process in Canada of the enactment, were it to transpire, of different evidence rules for different parts of the country was expressed at the annual meeting of the Uniform Law Conference of Canada. A decision to establish a Federal/Provincial Task Force on Uniform Rules of Evidence resulted. The purpose of the Task Force would be to conduct an intensive study of the rules of evidence and of the various reform proposals, to decide upon rules which would be suitable for enactment in all jurisdictions, and to draft a Uniform Evidence Act incorporating that policy. The Institute committed itself to cooperate with the proposal, to which we attached extreme importance, and one of our counsel was named as an

Alberta delegate to the Task Force along with a senior member of the Attorney General's department.

The Task Force presented its report consisting of some 580 pages and containing chapters on 37 evidentiary topics in January 1981. The report was accompanied by a draft Uniform Evidence Act. The Uniform Law Conference convened a series of special plenary sessions during the spring and summer months of 1981 to consider that draft Act which was modified in some significant respects before ultimatelsy being adopted at the annual meeting of the Conference in August 1981. The Director of the Institute, the Chairman and the counsel who had served on the Task Force participated at the special plenary meetings, conveying our views to those in attendance.

The Uniform Evidence Act is a legislative model proposed for use by the Parliament of Canada and the provincial Legislatures with a view to making uniform the evidence laws across the country. It provides evidence rules which are suitable for both civil and criminal proceedings in all courts in Canada, although some of the rules proposed are particular to one or the other type of proceeding.

Report No. 37A

In Report 37A, we made four main recommendations. First, we endorsed the importance of having evidence rules that are uniform across the country, particularly between federal and Alberta courts. Under existing law the rules of evidence have to be found in judicial decisions, textbooks and diverse statutes. The judge-made rules have evolved incrementally from case to case. Some of them are obscure and of doubtful authority. Others are

unduly technical. Often they are unsystematic. We thought not only that the law could be improved but also that the spectre of independent legislative action from jurisdiction to jurisdiction should be avoided. Requiring lawyers and judges to know different evidence systems is wasteful, inefficient and costly. The Uniform Evidence Act brings the rules together in one place, making them simpler to locate and easier to understand. It provides a clear and more systematic statement of the law governing the fact-finding process.

Secondly, we urged that in adapting the Uniform Evidence Act for use in a province any changes which would substantially derogate from uniformity of legislation should be made only sparingly and with strong reasons. In coming to this conclusion we acknowledged that the process which led to the preparation and completion of a Uniform Evidence Act of high quality within a period of four years was a tour de force which could not have been accomplished without the cooperation of institutions from every part of the country. We indicated our general agreement with the content of the Uniform Act. We found the changes proposed for civil cases to be moderate and sensibly to improve the existing law. For example, if a witness were not available to testify in a civil law suit, the Act would permit another witness to testify as to what the first had said, something which the existing rules against hearsay evidence usually would prevent. Moreover, some of the changes are based on laws already in place in other Canadian jurisdictions. For example, the Uniform Evidence Act would require a party wishing to call the evidence of an expert witness to give the expert's report to the other side before the trial. The party then would be able to put

the written report in evidence unless the other side asked to have the expert testify, as is now possible in British Columbia.

Our third theme was the product of our discernment, with benefit of hindsight, of a deficiency in the process followed in the preparation of the Uniform Evidence Act: time pressures did not allow individuals and groups outside the government an adequate chance to participate. We recommended that an independent review of the rules of evidence applicable in criminal proceedings should be conducted before enactment of the uniform legislation to ensure the acceptance of the resulting legislation as fair to both prosecution and defence. We expressed our belief that it is desirable in the public interest that the rules of evidence applicable in criminal proceedings should strike a balance between the interests of the state and the interests of the individual. The striking of an appropriate balance is important both to provincial Legislatures and to the federal Parliament because the Uniform Evidence Act contemplates that the rules governing criminal cases will apply to cases where a provincial offence is charged as well. The recommendation reflects our concern that, as a result of the deficiency in process which we identified, the rules of evidence which apply to criminal proceedings may be or be seen to be more favourable to the prosecution than is so under the present law.

In our opinion, the body selected to conduct a review of the balance struck between prosecution and defence should form part of the legislative process. It also should be in a position to take the time to conduct the review without unduly delaying the enactment of legislation. Additionally, it should be a body which is accustomed to investigating subjects of public

importance. Taking these criteria into account, we named the Senate or a Senate Committee as the appropriate body to conduct the review.

Fourthly, we recommended that consultation should take place between the federal government and provincial governments in order to facilitate the introduction of legislation based upon the Uniform Evidence Act throughout the country as soon as is practicable.

Report No. 37B

While we favoured the adoption of uniform evidence rules, we did not think that the Alberta Legislature should, without more, enact the Uniform Evidence Act word for word. For one thing, that Act is a composite which contains some provisions which are appropriate only for federal legislation.

We devoted Report 37B to recommendations concerning the adaptation of the Uniform Evidence Act for enactment in Alberta. We included some recommendations for change based on principle, some for change to fill lacunae which otherwise would exist in Alberta law, and some for minor changes which would adapt the Act to an Alberta context without changing its policies. We set forth a draft Alberta Evidence Act which incorporates these changes while substantially accepting the Uniform Evidence Act. We also put forward a draft Oaths, Affirmations and Witnesses Act which brings forward provisions from the current Alberta Evidence Act. Finally, we suggested some amendments to the Alberta Rules of Court which would avoid overlap and conflict.

## CURRENT LAW REFORM PROJECTS

### (1) Creditors' Remedies for Unsecured Debts

In 1978 the Institute published Working Paper No. 10 on Exemptions from Execution and Wage Garnishment. Since that time, a research paper on the use, effectiveness and social impact of wage garnishment has been completed. In January 1982 the Institute decided to take on a more general study of the pre-judgment and post-judgment remedies of unsecured creditors. The earlier work will be incorporated into the broader study.

### (2) Expropriation: Valuation of Security Interests

The Institute published its Report No. 12 on Expropriation in March 1973, and the Expropriation Act, S.A. 1974, c. 27 was passed the the following year. In our report we recommended that compensation should be made to the holder of a security interest in accordance with the "market value" of the interest. Our recommendation was carried forward in sections 46, 47 and 50 of the Act (now sections 48, 49 and 52 of the Expropriation Act, R.S.A. 1980, c. E-16). Its adoption put Alberta in a unique position because other Canadian jurisdictions provide for compensation generally on the basis of "payment of outstanding balance".

We harbour a concern that some worrying problems are associated with the market value theory. We have received submissions from the Mortgage Loans Association of Alberta arguing for replacement of the concept of market value by that of payment of the outstanding balance. These factors coupled with the 1980 decision of the Land Compensation Board in the case of

Forster Mah Enterprises Ltd. v. The City of Calgary were instrumental in persuading us to launch the re-examination of the whole question.

In March 1982 we addressed the problems associated with each theory of compensation for a security interest in a memorandum which was published and circulated for discussion. The memorandum asked for submissions by 30 June 1982 but we have acceded to a request to extend the date to 31 August 1982. Several submissions are in hand now. We expect to consider them in the fall.

(3) Family Law

To date we have published six reports on family law: Report No.18--Matrimonial Property (August 1975); Report No. 20--Status of Children (June 1976); Report No. 25--Family Law Administration: The Unified Family Court (April 1978); Report No. 26--Family Law Administration: Court Services (April 1978); Report No. 27--Matrimonial Support (March 1978); and Report No. 29--Family Relief (June 1978). During the current year work proceeded on the topics set out below.

(a) Representation of Children in Legal Proceedings

We have had under study for some time the question of the desirability of having children separately represented, in what proceedings and in what manner or manners, whether by amici curiae, guardians ad litem or counsel for the child. A consultative paper on this subject is well advanced and should be issued during the coming year.

In our report last year we referred to plans for publication of the revised and updated work on this topic performed by our former consultant on family law, Dr. O.M. Stone. The publication by Butterworth & Co. (Canada) Ltd. occurred in the early months of 1982. The book is entitled The Child's Voice in the Court of Law.

(b) Living Together Outside Marriage

An empirical study which examines the nature of the relationship outside marriage as well as the attitudes and circumstances of parties to marital and non-marital relationships was begun in February 1982. Funding for this empirical research was provided by the Alberta Department of Social Services and Community Health and an interdisciplinary committee continues to assist the Institute in the conduct of the study. The empirical research has been divided into two phases. We expect that a preliminary report on the results of the first phase will be completed by 31 August 1982. Depending on the results obtained from the first phase of the study the Institute will then decide if it wishes to proceed with the second phase of the research.

Legal research also is continuing on the status of people living together outside marriage.

(c) Administration of the Estates of Children

This project was adopted in response to concerns raised by representatives of the Public Trustee's office. As was stated in our annual report for the 1980-1981 year, a research paper prepared for us by Professor R. Hopp of the Faculty of Law, University of Alberta, indicates that the law is in a state of

considerable confusion. However, work on this project has been held in abeyance pending completion of matters accorded higher priority.

(d) Matrimonial and Child Support

We reported last year that we had convened an International Invitational Conference on Matrimonial and Child Support in Edmonton in May 1981 to disseminate the results of an empirical research study which had been commissioned from the Canadian Institute for Research in the Behavioural and Social Sciences, Calgary, Alberta into "Matrimonial Support Failures: Reasons, Profiles and Perceptions of Individuals Involved". Through the medium of the conference we were able to obtain the benefit of discussion and analysis of the reports produced as part of the study, and to elicit views and suggestions about the important legal and social problems involved. We have since been unable to reach agreement with commercial publishers for publication of the papers delivered by guest speakers at the conference. Plans therefore are underway for a limited publication by the Institute to be sent to the participants and to various law libraries.

In addition to organizing the conference, the Institute commissioned Professor Julien D. Payne, Q.C., LL.D., to review the results of the study undertaken by the Canadian Institute for Research, the papers delivered at the conference, and the Institute's Report No. 25--Family Law Administration: The Unified Family Court (April 1978); Report No. 26--Family Law Administration: Court Services (April 1978); and Report No. 27--Matrimonial Support (March 1978). Professor Payne's exhaustive report has now been delivered to the Attorney-General

for distribution to the interested departments and consideration by the government.

(e) Alberta Children's Law Committee

The Institute's Director continued to take part in the weekly meetings of the Alberta Children's Law Committee, an interdepartmental committee established by the government to recommend a revision of the law relating to children. The family law work of the Institute, including the recommendations contained in our Report No. 14--Minors' Contracts (January 1975); Report No. 19--Consent of Minors to Health Care (December 1975) and Report No. 20--Status of Children (June 1976), have been among the proposals given consideration by the Committee. The report of the Committee embracing these and other matters pertaining to the guardianship, custody and maintenance of children is expected to be completed in the coming fall.

(4) Freedom of Information and Confidentiality of Government Documents

Our study of the confidentiality of government information began in 1973 in response to a request from government. The original request was confined to examination of issues surrounding confidentiality. However, we formed the view that the subject could not be dealt with in isolation from the converse subject of freedom of information.

During the summer of 1973 we collected a large amount of material and gathered considerable data from interviews of a large number of officials in various government departments. Other priorities intervened and the project was suspended until 1978-1979 at which time one of our Board members produced a

substantial research paper for internal use and staff prepared two extensive agenda of issues based on the research paper and the massive literature and legislation enacted or proposed on the subject. Board time was devoted to consideration of the issues at this stage. Subsequently, however, work was again suspended due to our commitment to other projects.

During the past year, we have reflected seriously on our capacity to carry the project forward and on the advisability of our doing so. We are hesitant to vacate the project because of the great importance which we attach to the subject and of the considerable work already done. At the same time, we have come to recognize that to do a thorough job of both the confidentiality and freedom of information aspects of the topic would place a serious strain on our resources and have major implications for our overall program. The Attorney General has indicated his preference for limiting the project to issues relating to the confidentiality of information held by government as envisaged by the original request. We remain undecided as to the disposition which we should make of the project and will give the matter further thought. For now, it once more stands in abeyance.

(5) Judicial Review of Administrative Action

Our interest in this subject commenced in 1975 when a committee of practising lawyers and academics was constituted to consider the question of a new remedy for review of decisions of administrative tribunals. The committee submitted its report in January 1979. We reviewed its recommendations in a preliminary way before putting the project aside in July of that year because

of the exigencies of other projects.

The project was resurrected in 1981 and assigned high priority for attention, particularly for addressing the procedural problems in the current law. This attention was urged upon us by members of the Court of Queen's Bench, the Court of Appeal and of the Canadian Bar Association's Northern Alberta subsection on Administrative Law. The same sentiment was apparent in Feburary 1982 when Institute counsel explored issues and elicited opinions from members of that subsection on the need for reform of the law of judicial review.

Motivated by the views which had been conveyed to us, we took a firm decision in March 1982 to divide the project into two stages for report. The first stage will be devoted to amendments designed to introduce a single procedural route to the award of one or more of the existing remedies available to control administrative conduct, whether they be the prerogative ones of certiorari, prohibition and mandamus, or the non-prerogative ones of declaration and injunction.

In the second stage of the project we will look at the wider question of reform of the substantive law governing the various remedies available on judicial review of administrative action, and we will investigate the possibility of rationalizing and simplifying that law.

Since taking the decision to split the project, we have engaged in a thorough canvass of the issues pertinent to the introduction of a single procedure for review and new Rules of Court have been drafted. Consultation on the content of the draft Rules of Court is planned for the immediate future. We

anticipate that a report on this phase of the project will be issued within the calendar year.

(6) Labour-Management Relations

The object of this project is to conduct a comprehensive survey of the law relating to labour-management relations, particularly the resolution of disputes, with analysis and assessment of the effectiveness of various types of laws and an assessment of the Alberta environment. The work has proceeded under the direction of an inter-disciplinary committee chaired by A.M.S. Melnyk, Q.C. and having as its current members Dr. E.G. Fisher and Dr. C. Brian Williams. All three are professors in the Faculty of Business Administration and Commerce, University of Alberta. The committee now has submitted a preliminary report in rough draft form and its final report is expected later this year.

(7) Land Titles

The Institute has become associated in a joint land titles project with the Yukon, the Northwest Territories, Saskatchewan and Manitoba. On 7 and 8 December 1981 we hosted a conference in Edmonton which was attended by representatives from the above jurisdictions, and from Ontario and the Maritimes. Our goal is to develop a relatively uniform land titles act at least for the western jurisdictions committed to the joint project. Although we are making considerable progress, shortage of staff and the need for inter-provincial coordination have held us back. We are optimistic that a consultative report will be issued during the 1982-1983 report period.

(8) Limitation of Actions

In our 1980-1981 annual report we said that the Institute was considering a radically new approach to the subject of limitation of actions. During the current report period we have done extensive work in developing a limitations system based on a new strategy and believe that we will be able to recommend a limitations act which will be more comprehensible, more efficient, and more just than our existing Act. We hope to issue a consultative report during the 1982-1983 report year.

(9) Not-for-profit Corporations

The Business Corporations Act, S.A. 1981, c. B-15, which is based largely upon the Institute's 2-volume Report No. 36--Proposals for a New Alberta Business Corporations Act (August 1980), came into force on 1 February 1982. That Act makes no provisions for not-for-profit corporations which continue to be governed by Part 9 of the Companies Act, R.S.A. 1980, c. C-20. The Institute is currently working on a proposed not-for-profit corporations act which will replace the provisions presently contained in Part 9 of the Companies Act, the Societies Act, the Cemetery Companies Act and perhaps the Religious Societies Act.

(10) Provincial Offences: Defences

By letter dated 8 March 1982, the Deputy Attorney General relayed the government's request that the Institute formally undertake a study of the defences available to charges under provincial statutes. Having agreed to do so, we retained Professor J.C. Robb, Faculty of Law, University of Alberta as a consultant to analyze the state of the existing law, present his

views together with reform choices in report form, and give us his recommendations. We anticipate receiving his work later this year.

(11) Real Property Securities

The Institute's project with respect to the Land Titles Act, R.S.A. 1980, c. L-5, has been underway for some years now. However, in addition to title registration and caveating provisions, the Land Titles Act contains many substantive real property provisions. The 1980 revision of the Statutes of Alberta created a Law of Property Act, R.S.A. 1980, c. L-8. While many substantive real property provisions were transferred from the Land Titles Act, and other Acts, to the new Law of Property Act, the consolidation of substantive real property law in the Law of Property Act is far from complete. Moreover, even provisions which were transferred to the Law of Property Act were not revised in the light of modern conditions.

We believe that many current substantive real property enactments remain either inconsistent or obsolete. A project devoted to revision of the entire Alberta statutory real property law would, however, be an enormous task. Because the law of real property security is a relatively severable slice of the entire real property pie, and because this body of law affects so many people and is particularly in need of reform, we have undertaken a project on real property security. Although our research and preliminary consultation are well advanced, the magnitude of this project is such that any prediction as to when we will be able to issue a consultative report would be premature.

(12) Sale of Goods

We reported last year that we had been participating, in the person of one of our counsel, on a committee set up by the Uniform Law Conference of Canada to deliberate the recommendations contained in the Ontario Law Reform Commission's 1979 Report on Sale of Goods. The case for uniformity of the law in this area is demonstrated by the extent and importance of inter-provincial sales to the Canadian economy.

The report of the committee was presented at the 1981 annual meeting of the Conference held in Whitehorse, Yukon Territory and a Uniform Sale of Goods Act was adopted.

We have reviewed the provisions of the Uniform Act for the purpose of considering the ramifications of its future adoption in Alberta. Our conclusions will be issued as Report No. 38 which is now at the final editorial stage. In the report, we make recommendations for the enactment of the Uniform Sale of Goods Act in Alberta with a few minor amendments, and subject to coordinated action on the part of a substantial number of common law provinces to do likewise.

(13) Sterilization of Minors and Mentally Incompetent Adults

The 1981 decision of the Prince Edward Island Supreme Court sitting in banco in the case of Re Eve, 115 D.L.R. (3d) 283, has raised considerable doubt regarding the competence of a superior court to consent on behalf of a minor or a mentally incompetent adult to sterilization. The decision has been appealed to, but not yet heard by, the Supreme Court of Canada.

In the meantime, the Institute has commenced a project on the subject with a view to clarifying the issues and recommending what the law should be. The study will include an attempt to determine how often and under what circumstances sterilizations of minors and mentally incompetent adults are being performed in Alberta. We also will give consideration to the report of the Canada Law Reform Commission. A preliminary discussion paper is in hand and it is our intention to assemble a committee with members representing several other disciplines to refine the paper with a view to circulating it to interested groups for discussion.

(14) Statute of Frauds

Professor M.G. Bridge, formerly of Institute counsel and now returned to the Faculty of Law, McGill University, has been commissioned to draft the text of a report on the subject of statute of frauds for submission to us. We hope to receive this work within the next reporting year.

## THE INSTITUTE'S RESEARCH FUNCTION

The Institute's title and its stated objects show that one of our purposes is to foster legal research which is not necessarily connected with reform. We continue to pursue the objective of encouraging legal research in a variety of ways.

(1) Research Projects

Our Report No. 31 issued in April 1979 dealt with the subject of contributory negligence and concurrent wrongdoers in tort. That report and the subject of contributory negligence

subsequently came before the Uniform Law Conference where some commissioners indicated a wish to extend the concept of contribution from tort to all contract cases, even in the absence of negligence. We subsequently commissioned a research paper from Professor D.R. Percy of the Faculty of Law, University of Alberta into the implications of applying the concept of contribution between joint contract breakers and his paper has been submitted to us.

We reported previously that we have commissioned research to determine the extent, if any, to which the law of Alberta provides for the use of the French language in the judicial system. This work is being conducted by Professor G.L. Gall of the Faculty of Law, University of Alberta.

(2) Research Grants

We have, almost since our inception, offered research grants for worthwhile research studies. The grants cover travel costs, the costs of a research assistant, secretarial and incidental expenses, but not remuneration for the grantee. Over the years, a number of law professors have taken advantage of these grants. However, no grants are outstanding at the present time.

## PAPERS PUBLISHED BY INSTITUTE STAFF

Closely related to our research function is the presentation and publication of learned papers by members of our legal staff. Contributions of this nature are often prompted by work on law reform projects although they may not be directly connected with them.

During the reporting year J.L. Dewar published an article entitled "Development of the Remedial Constructive Trust" in (1982) 60 Can. Bar Rev. 265. The article was motivated in part by its relevance to our project on living together outside marriage.

The casebook by M.G. Bridge and F.H. Buckley of the Faculty of Law, McGill University, to which we referred in last year's report was released by Carswell Co. Ltd. It pertains to Sales and Sales Financing in Canada and spans 694 pages together with additions. M.G. Bridge also delivered a paper on Contributory Negligence and Products Liability at the Eleventh Annual Workshop on Commercial and Consumer Law held at the University of Toronto 23-24 October 1981. The paper since has been published in (1982) 6 Can. Business L.J. 184-218 under the title "Defective Products: Contributory Negligence, Apportionment of Loss and the Distribution Chain: Lambert v. Lewis".

## THE INSTITUTE'S RELATIONS WITH THE UNIVERSITIES OF ALBERTA AND CALGARY AND THEIR FACULTIES OF LAW

Our objective of fostering research is natural when one recalls that the Institute is in part the creation of the University of Alberta. The University of Alberta not only contributes to the annual budget but also provides important indirect benefits. Several years ago the University earmarked for the Institute a gift of $25,000 from a private donor to be used for the purchase of books. This gift has enabled us to build up a useful library, and is still partly unexpended.

The indirect contribution of the University of Alberta is substantial. It has provided very fine quarters in the Law Centre. In addition it handles the Institute's funds. The Comptroller pays all accounts so the Institute is relieved of doing its own bookkeeping and writing its own cheques.

The main liaison with the University administration is through the Vice-President (Finance and Administration) who, as the designate of the President of the University, is a member of the Institute's Board. As we noted at page 3 of this report, he takes no part in law reform projects and has no responsibility for the content of reports. However, he does attend whenever matters affecting the Institute's relations with the University are on the agenda. The Faculty of Law of the University of Alberta also elects one of its members to our Board. Professor C.R.B. Dunlop currently holds this position.

Over the years we have received much assistance on our law reform projects from members of the Faculty of Law at the University of Alberta and we have every reason to believe that this happy situation will continue in the future. During the reporting year Professor D.P. Jones has served as consultant to our project on judicial review of administrative action. We have already referred, in the discussion of research projects, to the work performed by Professor D.R. Percy on contribution in contract cases and the work commissioned from Professor G.L. Gall on the use of the French language in Alberta. In addition, Professors A.S. Melnyk, Q.C., E.F. Fisher, and S.M.A. Hameed of the Faculty of Business Administration and Commerce continued to work on our labour-management relations project.

The Institute's staff, both professional and non-professional, in large measure enjoy the same fringe benefits as the university staff. The Director and one Associate Director hold academic appointments.

Customarily, some of our counsel give courses in the Faculty of Law. This year, J.L. Dewar taught Trusts; G.C. Field taught Company Law with the assistance of B. Edmeades who gave some lectures; T.W. Mapp taught Land Titles. Professor Mapp also gave a two-lecture series of one and one-half hours duration on the law of landlord and tenant to the entire first-year law class.

Institute counsel also participate in a seminar program conducted for law faculty, Institute staff and graduate students. During the reporting year M.G. Bridge gave a presentation on reform of the law of sale of goods on 13 October 1981; M.A. Shone together with Professor J.C. Robb addressed the history and content of the Uniform Evidence Act on 17 November 1981; J.L. Dewar talked about recent developments in constructive trusts on 2 March 1982; and B. Edmeades spoke on strict products liability, accident compensation systems and deterrence on 2 March 1982.

Our relationship with the University of Calgary since the inception of its Faculty of Law has been a matter of satisfaction to us as well. The Agreement entered into 31 March 1982 formalizes the inclusion of a member of the Faculty of Law of the University of Calgary on our Board. Professor J.C. Levy holds the current appointment.

We have been the fortunate recipient of the assistance of members of other Faculties at the University of Calgary. Professor Gayle C. James of the Faculty of Social Welfare

continued to serve on the committee responsible for steering the empirical work on living together outside marriage. She was joined by Dr. R. Nutter of the same Faculty.

For the summer of 1982 we have employed six students from the Faculty of Law, University of Alberta. They are: Dale Bercov, Daniel Cavanagh, Brenda Conlin, Douglas Hughes, Victor Lirette and Dennis Pawlowski. These students are doing valuable work for us in connection with various projects.

## THE INSTITUTE'S RELATIONS WITH THE PRACTISING BAR AND BENCH OF ALBERTA

The Institute strives to maintain a continuing dialogue with the legal profession and Bench in the province. The Law Society is, of course, one of our constituting bodies and it is our standard practice to send a copy of each report and published consultative document to the Benchers of the Law Society and to every law firm in the province. We also distribute our publications to superior court justices as a matter of course, and to judges of the Provincial and Family Courts where the subject matter is likely to be of concern to them. Many valuable comments and suggestions have been received from the legal profession in consequence of this practice.

We further benefit from our good relations with the profession through the participation of members of both Bar and Bench on committees constituted for some specific purpose in connection with one or another of our law reform projects. Mr. Justice S.A. Lieberman of the Court of Appeal and Mr. Justice D.C. McDonald of the Court of Queen's Bench have been named by

their respective Chief Justices to provide liaison with the Institute project on judicial review of administrative action. We have also approached the Administrative Law subsection of the Northern Alberta Branch of the Canadian Bar Association for advice on this project.

For our part, we are happy to share with the profession information concerning our projects and to impart the knowledge which we have acquired while working on them. Between October 1981 and January 1982 Associate Director G.C. Field participated in a series of seminars sponsored by the Legal Education Society of Alberta in conjunction with the Department of Consumer and Corporate Affairs and this Institute. The purpose of the seminars was to acquaint secretaries and para-legals working for members of the Bar with the contents of the new Alberta Business Corporations Act. Full-day programs were conducted at Grande Prairie, Red Deer, and twice each at Edmonton and Calgary. A parallel serious of seminars for lawyers had been conducted in May and June 1981. In November 1981 the Director and M.A. Shone attended a meeting of the Criminal Trial Lawyers' Association at which the Uniform Evidence Act was being discussed. In June 1982, J.L. Dewar spoke to the Wills and Trusts Subsection of the Northern Alberta Branch of the Canadian Bar Association on the application of the 1980 decision of the Supreme Court of Canada in the case of Pettkus v. Becker, 117 D.L.R. (3d) 257, to claims against the estates of deceased persons.

## THE INSTITUTE'S RELATIONS WITH OTHER LAW REFORM BODIES

The Director, Associate Director T.W. Mapp and counsel M.A. Shone attended the annual meeting of representatives of Canadian

law reform bodies held in Whitehorse, Yukon Territory on 23 August 1981. As has become the custom, this useful opportunity for exchange on matters of common concern preceded the meeting of the Uniform Law Conference of Canada from 23-29 August. One topic of discussion centered on the potential for cooperation among law reform bodies on projects of mutual concern. Law reform bodies had set up the committee to review the Ontario Report on Sale of Goods for the Uniform Law Conference and this was seen to have been a useful contribution. Several representatives expressed interest in experimenting with joint projects. In consequence, Saskatchewan and Manitoba became associated with our Institute, the Yukon and the Northwest Territories in the joint project on land titles referred to previously in the discussion of our current law reform projects.

The Director and the Chairman, both of whom are Alberta Commissioners attended the Uniform Law and plenary sessions of the Uniform Law Conference. M.A. Shone, who had been a member of the Federal/Provincial Task Force on Uniform Rules of Evidence, participated in the special plenary session held on 27 August to review the draft Uniform Evidence Act which had evolved from the recommendations of the Task Force and subsequent special plenary sessions called by the Uniform Law Conference.

## ACKNOWLEDGEMENTS

We are pleased to welcome to our Board Professor J.C. Levy of the Faculty of Law, University of Calgary and Professor C.R.B. Dunlop of the Faculty of Law, University of Alberta. Professor Levy is filling the position made available as a result of Professor Constance D. Hunt's decision last year to take a leave

of absence from the University of Calgary. Professor Dunlop holds the space formerly occupied by Professor R.G. Hopp who served on the Board from August 1979 to September 1981 and whose contribution to our deliberations we valued.

We continue to enjoy a happy relationship with the Attorney General, the Honourable Neil S. Crawford, Q.C. It is our custom to meet with him annually. This year we met on the afternoon of 7 June 1982 and participated in a beneficial exchange. We also appreciate the fine relationship which we maintain with the Deputy Attorney General, R.W. Paisley, Q.C., upon whose good services we frequently call.

Our legal staff are an integral part of our operation and the high quality of their work is a crucial component of our success as an Institute. We extend sincere thanks to our counsel for the outstanding work performed by each and every one.

We are fortunate to have persuaded A. Dunham, Professor Emeritus of the University of Chicago Law School, to join us as Distinguished Counsel. Professor Dunham's accomplishments over the years have earned him international recognition as a legal scholar and a reputation as as one of the most distinguished law reformers in the United States. Much of his work has been done in connection with projects undertaken by the American National Conference of Commissioners on Uniform State Laws, and he was Executive Director of the Conference from 1963 to 1969. His participation in the work of the Conference included the following activities:

(1) Reporter, Uniform Commercial Code, Article 9 (1952);

(2) Member of Drafting Committee, Uniform Probate Code (1969);

(3) Chief Reporter and Chairman of Drafting Committee, Uniform Land Transactions Act (1975) and Uniform Simplification of Land Transfers Act (1976);

(4) Reporter, Revised Uniform Principal and Income Act (1962); and

(5) Chairman of Drafting Committee, Amendments to Revised Uniform Principal and Income Act (1980-present).

Professor Dunham was also Chief Reporter for the Model Land Development Code (1976) prepared for the American Law Institute. His considerable experience in law reform projects of this magnitude and calibre is of particular benefit to us in our work.

It also is our pleasure to welcome B. Edmeades, previously on contract to the Saskatchewan Law Reform Commission.

M.G. Bridge returned to the Faculty of Law at McGill University as of 1 January 1982. His contribution during the year and one-half he spent with us was outstanding and we are pleased that our relationship with him continues on a contractual basis in connection with the projects on sale of goods and statute of frauds.

We are most grateful to our secretarial staff who carry out their functions with efficiency and dispatch, always in the

spirit of cooperation. Their contribution to our work is considerable.

W.E. WILSON
W.F. BOWKER
J.W. BEAMES
C.R.B. DUNLOP
G.C. FIELD
E.J.F. GAMACHE
W.H. HURLBURT
J.C. LEVY
T.W. MAPP
D.B. MASON
R.M. PATON

CHAIRMAN

ACTING DIRECTOR

August 1982

APPENDIX A

## HISTORY OF THE INSTITUTE

In 1964 the Benchers of the Law Society of Alberta established the Law Reform Committee. It had fourteen members selected from the judiciary, the profession and the Faculty of Law of the University of Alberta. It had no full time members, no staff and no funds. This Committee made one major set of recommendations in connection with limitation of actions in tort. These recommendations were enacted as Part 9 of the Limitations Act (S.A. 1966, c. 49). The Committee also passed on to the Government two or three Acts recommended elsewhere, notably personal property security, survival of actions, and perpetuities. These Acts were not passed. Before long both the Benchers and the Committee concluded that as constituted the Committee could not operate effectively as a law reform agency. The Benchers proposed a more formal and permanent research body to be located in the University of Alberta. Both the provincial government and the University welcomed the proposal. The details were worked out during 1967 and on 15 November of that year an Agreement was signed between the three parties. It was the first of a succession of Agreements to form the Institute's "constitution".

The original Agreement covered the period from 1 January 1968 to 31 March 1973. It was amended on 30 August 1971 to extend the period to 31 March 1977.

The 1971 Agreement was the last one entered into during the first stage of funding of the Institute. Until 1973 the funding was provided entirely by the Government of Alberta and the University of Alberta in fixed annual amounts. In that year the Alberta Law Foundation agreed to make substantial grants for the next five years, and those grants together with the contributions of the Government and the University funded the Institute until 31 March 1976. On 1 April 1976 the previous arrangement was superseded by the current one which provides, after deduction of the University's contribution, for the sharing of the Institute's approved budget between the Foundation as to 60% and the Attorney General as to 40%, except during the 1976-1977 fiscal year when the Foundation's proportion was higher.

The commencement of funding by the Foundation in 1974 made it possible to increase the Institute's staff and raise the level of its activity. The 1976 arrangement, which continued in force until 31 March 1982 under the Agreement of 31 March 1977, provided for further staff increases and brought the Institute to its existing predicted optimum level of activity premised on a continuing complement of ten staff lawyers. The subsisting Agreement, entered into 31 March 1982, continues the Institute under the same funding arrangement for a further five years to 31 March 1987. It also introduces changes in the size and composition of the Board of Directors.

The Institute has always been housed on the University of Alberta campus. In 1968, it opened a very modest office in the Faculty of Law with Dean Wilbur Bowker as its director and only member of legal staff. Four and a half years later, after a period of time spent in that and other offices, it took up its present quarters in the Law Centre. During the period of time intervening since 1968, its staff has grown to the capacity for

ten lawyers noted above and two full-time and two part-time members of secretarial staff.

APPENDIX B

LIST OF BOARD MEMBERS

Present Members

J.W. Beames, Q.C.
Member at large - August 1979 to present

W.F. Bowker, Q.C.
Director - January 1968 to August 1975
Director Emeritus - September 1975 to present

Professor C.R.B. Dunlop
University of Alberta Faculty of Law representative - September 1981 to present

G.C. Field, Q.C.
Member at large - April 1981 to present

E.J.F. Gamache, Q.C.
Attorney General's representative - February 1979 to present

W.H. Hurlburt, Q.C.
Law Society representative - November 1967 to January 1970
Member at large - February 1970 to January 1971
Law Society representative and Chairman - February 1971 to December 1973
Member at large and Associate Director - January 1974 to August 1975
Director - September 1975 to present

Professor L.C. Leitch
University of Alberta representative (Vice-President (Finance and Administration)) - February 1980 to present

Professor J.C.Levy
University of Calgary Faculty of Law representative - December 1981 to present.

T.W. Mapp
Member at large - April 1981 to present

D.B. Mason, Q.C.
Member at large - February 1979 to present

R.M. Paton
Attorney General's representative - May 1982 to present

W.E. Wilson, Q.C.
Law Society representative - June 1976 to present

Former Members

G.W. Acorn, Q.C.
Attorney General's representative - November 1967 to January 1969

Professor D. Trevor Anderson

University of Alberta Faculty of Law representative - November 1967 to June 1971

Margaret Donnelly
Attorney General's representative - June 1976 to February 1979

H.G. Field, Q.C.
Law Society representative and Chairman - November 1967 to February 1971

R.P. Fraser, Q.C.
Member at large - June 1970 to January 1976
Law Society representative - January 1976 to February 1979

Dean G.H.L.Fridman
Member at large (University of Alberta Faculty of Law) - February 1971 to June 1975

S.A. Friedman, Q.C.
Attorney General's representative - November 1967 to November 1970

J.E. Hart, Q.C.
Attorney General's representative - November 1967 to January 1969

Wm. Henkel, Q.C.
Attorney General's representative - December 1970 to June 1976

Professor R.G. Hopp
University of Alberta Faculty of Law representative - August 1979 to September 1981

Dr. M. Horowitz
University of Alberta representative (Vice-President (Academic)) - July 1975 to July 1979

Professor Constance D. Hunt
Member at large (University of Calgary Faculty of Law) July 1980 to June 1981

Dr. Henry Kreisel
University of Alberta representative (Vice-President (Academic)) - September 1970 to June 1975

Professor F.A. Laux
University of Alberta Faculty of Law representative - September 1972 to May 1976

Dr. A.G. McCalla
University of Alberta representative (Vice-President (Academic)) - November 1969 to May 1970

Dean J.P.S. McLaren
Member at large (University of Calgary Faculty of Law) - January 1976 to June 1980

Robert R. Neve (deceased)
Member at large - April 1970 to May 1970

J.S. Palmer
Law Society representative - November 1967 to February 1970

Professor Julien Payne
University of Alberta Faculty of Law representative - July 1971 to June 1972

Professor Ellen Picard
Member at large - June 1975 to December 1975
University of Alberta Faculty of Law representative - May 1976 to July 1979

Justice W.A. Stevenson
University of Alberta Faculty of Law representative - August 1969 to January 1970
Member at large - February 1970 to December 1973
Law Society representative and Chairman - January 1974 to January 1976
Member at large and Chairman - January 1976 to July 1979

Dr. A.R. Thompson
University of Alberta Faculty of Law representative - November 1967 to June 1969

Dr. Max Wyman
University of Alberta representative (Vice-President (Academic)) - November 1967 to March 1969

## APPENDIX C

## RECORD OF LEGISLATION BASED ON INSTITUTE'S RECOMMENDATIONS

| Formal Report - Number and Title | Legislation |
|---|---|
| No. 1--Compensation for Victims of Crime (1968) | Criminal Injuries Compensation Act, R.S.A. 1970, c. 75 |
| No. 2--Powers of Personal Representatives to Grant Options (June 1969) | Wills Act, R.S.A. 1970, c. 393, s. 30<br>Devolution of Real Property Act, R.S.A. 1970, c. 109, s. 13 |
| No. 3--Occupiers' Liability (December 1969) | Occupiers' Liability Act, S.A. 1973, c. 79 |
| No. 4--Age of Majority (January 1970) | Age of Majority Act, S.A. 1971, c. 1 |
| No. 5--Guarantees Acknowledgement Act, R.S.A. 1970, c. 173 (October 1970) | |
| No. 6--Rule Against Perpetuities (August 1971) | Perpetuities Act, S.A. 1972, c. 131 |
| No. 7--Joinder of Divorce Proceedings with other Causes of Action (August 1971) | Alberta Rules of Court, Rule 563(3), Alta. Reg. 315/71 |
| No. 8--Assignment of Wages (October 1971) | Wage Assignments Act, S.A. 1972, c. 61 |
| No. 9--Rule in Saunders v. Vautier (February 1972) | S.A. 1973, c. 13, s. 12 amending the Trustee Act, R.S.A. 1970, c. 373, s. 37 |
| No. 10--Powers of Maintenance and Advancement (June 1972) | S.A. 1974, c. 65, s. 9 amending the Trustee Act, R.S.A. 1970, c. 373, ss. 31-33 |
| No. 11--Common Promisor and Promisee: Conveyances with a Common Party (October 1972) | Common Parties Contracts and Conveyances Act, S.A. 1974, c. 20 amended 1975, c. 5 (2 sess.) |
| No. 12--Expropriation (March 1973) | Expropriation Act, S.A. 1974, c. 27 |
| No. 13--Judicature Act, Section 24 (August 1974) | S.A. 1974, c. 65, s. 9 striking out s. 24 of the Judicature Act, R.S.A. 1970, c. 193 |

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| No. 14--Minors' Contracts (January 1975) | |
| No. 15--Validity of Rules of Court (December 1974) | S.A. 1976, c. 58, s. 6(4) amending the Judicature Act, R.S.A. 1970, c. 193, s. 39 |
| No. 16--Rule in Hollington v. Hewthorn (February 1975) | S.A. 1976, c. 57, s. 1 amending the Alberta Evidence Act, R.S.A. 1970, c. 127, s. 27 |
| No. 17--Small Projects (June 1975) | S.A. 1976, c. 55, s. 2 amending the Workers' Compensation Act, S.A. 1973, c. 87, s. 15; S.A. 1976, c. 58, s. 3 amending the Bulk Sales Act, R.S.A. 1970, c. 37. |
| No. 18--Matrimonial Property (August 1975) | Matrimonial Property Act, S.A. 1978, c. 22, enacting a combination of the majority and minority proposals for the distribution of matrimonial property, and an extension of the recommendations on possession of the matrimonial home |
| No. 19--Consent of Minors to Health Care (December 1975) | |
| No. 20--Status of Children (June 1976) | |
| No. 21--Purchase by a Company of Shares Which It Has Issued (January 1977) | S.A. 1977, c. 13, s. 2 amending the Companies Act, R.S.A. 1970, c. 60, s. 41 (superseded by S.A. 1981, c. B-15, ss. 32 and 33: see Report No. 36) |
| No. 22--Residential Tenancies (February 1977) | Landlord and Tenant Act, 1979, S.A. 1979, c. 17, based in large part on our recommendations |
| No. 23--Partition and Sale (March 1977) | Partition and Sale Act, S.A. 1979, c. 59 |
| No. 24--Survival of Actions and Fatal Accidents Act Amendment (April 1977) | Survival of Actions Act, S.A. 1978, c. 35 |
| No. 25--Family Law Administration: the Unified Family Court (April 1978) | |

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| No. 26--Family Law Administration: Court Services (April 1978) | |
| No. 27--Matrimonial Support (March 1978) | S.A. 1977, c. 64 amending Part 4 of the Domestic Relations Act, R.S.A. 1970, c. 113; S.A. 1977, c. 92 amending the Social Development Act, R.S.A. 1970, c. 345; S.A. 1978, c. 49, s. 2 amending the Debtors' Assistance Act, R.S.A. 1970, c. 86 (The above amendments deal with the enforcement of support orders and are based on recommendations made in conjunction with a government committee. Recommendations pertaining to the principles upon which support is awarded have not been acted on to date.) |
| No. 28--Tenancies of Mobile Home Sites (April 1978) | S.A. 1982, c. M-18.5 |
| No. 29--Family Relief (June 1978) | |
| No. 30--The Builders' Lien Act: Certain Specific Problems (March 1979) | |
| No. 31--Contributory Negligence and Concurrent Wrongdoers (April 1979) | |
| No. 32--Guest Passenger Legislation (April 1979) | Proclamation 5 July 1979 of previously enacted S.A. 1977, c. 76, s. 6 to come into force 1 September 1979 (This is not the principal recommendation of the Report.) |
| No. 33--Inter-Spousal Tort Immunity (April 1979) | |
| No. 34--Service of Documents During Postal Interruptions (June 1979) | S.A. 1980, c. 88 |
| No. 35--Defamation: Fair Comment and Letters to the Editor (October 1979) | S.A. 1980, c. 11 amending the Defamation Act, R.S.A. 1970, c. 87 |

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|---|---|
| No. 36--Proposals for a New Alberta Business Corporations Act (August 1980), 2 vols. | Business Corporations Act, S.A. 1981, c. B-15 |

# APPENDIX D

## OTHER PUBLICATIONS

### Annual Reports

Five Year Report 1968-1973
Annual Report 1973-1974
Annual Report 1974-1975
Annual Report 1975-1976
Annual Report 1976-1977
Annual Report 1977-1978
Annual Report 1978-1979
Annual Report 1979-1980
Annual Report 1980-1981

### Current Working Papers

No. 9--Limitation of Actions Act (June 1977)

No. 10--Exemptions from Execution and Wage Garnishment (January 1978)

### Background Papers

No. 1--Rent Control; Security of Tenures (November 1975)
No. 2--Entry of Landlord; Locks and Security Devices (November 1975)
No. 3--Obligation to Repair; Security Deposits (November 1975)
No. 4--Termination Procedures; Failure of Tenants to Pay Rent; Overholding Tenants (November 1975)
No. 6--Resolution of Disputes; Landlord and Tenant (Advisory) Boards; Distress (November 1975)
No. 7--Contract or Property Law; Form and Delivery of Lease; Right to Assign or Sublet (November 1975)
No. 8--Mobile Homes (November 1975)
No. 9--Consent of Minors to Medical Treatment (May 1975)
No. 10--Illegitimacy (June 1974)
No. 11--Administration of Family Law: The Unified Family Court: Constitutional Opinions (May 1978)
No. 12--Statute of Frauds (May 1979)
No. 13--Matrimonial Support Failures: Reasons, Profiles, and Perceptions of Individuals Involved (Canadian Institute for Research in the Behavioral and Social Sciences: May 1981)

### Books

Sir Victor Windeyer, Some Aspects of Australian Constitutional Law (1972)

Thomas W. Mapp, Torrens' Elusive Title: Basic Legal Principles of an Efficient Torrens' System (1978) (Alta. L.R. Book Series, v. 1)

The Alberta Limitations Manual, Butterworth & Co. (Western Canada) Ltd., 1979. (Although not prepared by the Institute, the Manual was based upon a list of statutory limitation periods in Alberta originally prepared by members of the Institute's legal staff.)

Olive M. Stone, The Child's Voice in the Court of Law, Butterworth & Co. (Canada) Ltd., 1982. (Dr. Stone's book is based on work done for the Institute while she was employed full-time as consultant on our Family Law Project).